

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:20-cv-01291-TJK**

WORTHINGTON v. U.S. DEPARTMENT OF JUSTICE  
Assigned to: Judge Timothy J. Kelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/14/2020  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****JOHN WORTHINGTON**

represented by **JOHN WORTHINGTON**  
4500 SE Second Place  
Renton, WA 98059  
(425) 919-3910  
PRO SE

V.

**Defendant****U.S. DEPARTMENT OF JUSTICE**

Date Filed	#	Docket Text
05/14/2020	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 400, receipt number 4616103115) filed by JOHN WORTHINGTON. (Attachments: # <u>1</u> Civil Cover Sheet)(zjf) (Entered: 05/18/2020)
05/14/2020		Summons (1) Issued as to U.S. DEPARTMENT OF JUSTICE. (zjf) (Entered: 05/18/2020)
05/14/2020	<u>2</u>	NOTICE OF RELATED CASE by JOHN WORTHINGTON. Case related to Case No. 19cv81. (zjf) (Entered: 05/18/2020)
05/20/2020		MINUTE ORDER. Plaintiff has designated this case as related to Civil Action Number 19-0081, Worthington v. ONDCP (hereinafter, "ONDCP"). "The general rule governing all new cases filed in this courthouse is that they are to be randomly assigned." Tripp v. Exec. Office of the President, 196 F.R.D. 201, 202 (D.D.C. 2000). Local Civil Rule 40.5(a)(3) provides an exception to that rule: "Civil, including miscellaneous, cases are deemed related when the earliest is still pending on the merits in the District Court and they (i) relate to common property, or (ii) involve common issues of fact, or (iii) grow out of the same event or transaction or (iv) involve the validity or infringement of the same patent. Notwithstanding the foregoing, a case filed by a pro se litigant with a prior case pending shall be deemed related and assigned to the judge having the earliest case." ONDCP is no longer pending on the merits because it was dismissed and the case was terminated on March 30, 2020. Thus, Rule 40.5(a)(3) does not apply. Where a case has been dismissed, Rule 40.5(a)(4) applies: "Additionally, cases whether criminal or civil, including miscellaneous, shall be deemed related where a case is dismissed, with prejudice or without, and a second case is filed involving the same parties and relating to the same subject matter." The instant case does not involve the same parties as ONDCP. While plaintiff Worthington filed both cases, there were seven defendants in ONDCP, while in this case, DOJ is the lone defendant. In addition, the cases are not related to the same subject matter. While both cases involve an entity called WestNET, ONDCP involved a number of APA, constitutional, and RICO violations. The instant case, in contrast, is a FOIA action involving redactions in certain documents that were produced to plaintiff. Thus, plaintiff has not established that the cases are related. Comm. on Judiciary v. McGahn, 391 F. Supp. 3d 116, 118 (D.D.C. 2019) (noting that the party asserting an exception to the general rule that cases be randomly assigned bears the heavy burden of showing relatedness). Accordingly, it is ORDERED that this case shall be sent to the Calendar and Case Management Committee for random reassignment. SO ORDERED. Signed

		by Judge Amy Berman Jackson on 5/20/2020. (lcabj2) (Entered: 05/20/2020)
05/20/2020	<u>3</u>	Case randomly reassigned to Judge Timothy J. Kelly as the case is not related to an earlier case. Judge Amy Berman Jackson is no longer assigned to the case. (rj) (Entered: 05/20/2020)
06/03/2020	<u>4</u>	ENTERED IN ERROR.....MOTION for CM/ECF Password by JOHN WORTHINGTON. (ztth) Modified on 6/5/2020 (zjf). (Entered: 06/03/2020)
06/03/2020	<u>5</u>	AMENDED MOTION for CM/ECF Password by JOHN WORTHINGTON. (ztth) (Entered: 06/04/2020)
06/05/2020		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>4</u> MOTION for CM/ECF Password was entered in error and resubmitted by plaintiff with a corrected version. (See Docket Entry <u>5</u> to view document) (zjf) (Entered: 06/05/2020)
06/16/2020	<u>6</u>	AMENDED COMPLAINT against U.S. DEPARTMENT OF JUSTICE filed by JOHN WORTHINGTON. (ztth) (Entered: 06/17/2020)
06/29/2020	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 6/15/2020. (ztth) (Entered: 07/01/2020)